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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Elias Bjarnason, et al.
Application No. 09/849,501
Filed: May 4, 2001
For: METHOD AND APPARATUS FOR
TRAINING LINEAR EQUALIZERS IN A PC
MODEM

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: DECISION ON PETITION
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This is a decision on the petition under 37 C.F.R. § 1.181(a) filed September 11, 2003 (originally filed by facsimile on June 18, 2003), to withdraw the holding of abandonment..

The application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed September 4, 2002. A Notice of Abandonment was mailed on May 23, 2003.

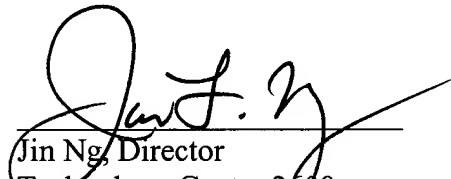
Petitioner alleges to have timely submitted a response to the September 4, 2002 Office Action. In support, the Petitioner has included with the petition a copy of the return postcard date-stamped by the PTO on December 18, 2002, itemizing a Response to the Office action, and a request for Extension of Time and a check in the amount of \$110. A review of the Revenue, Accounting and Management (RAM) records shows that a check in the amount of \$110.00 was received on December 18, 2002 and processed on December 20, 2002. The petition also includes a copy of all the papers filed December 18, 2002.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. The Office sincerely regrets the inconvenience to the applicant.

The petition is **GRANTED**.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

Since the Office has already received and processed the fee for the one-month extension of time, the application will be forwarded to Technology Center's technical support staff for entry of the amendment filed December 18, 2002. From there, the file will be forwarded to the examiner for examination in due course.



Jin Ng, Director
Technology Center 2600
Communications